

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

NO. 1025798 ONTARIO, INC., d/b/a
The Fulfillment Solutions Advantage, Inc.,
The FSA Group, International Access,
Beauty Visions Worldwide, Slimshop,
Hydro-Gel Slim Patch, and Slenderstrip,

ROBERT VAN VELZEN,

KINGSTON ASSOCIATES LTD., and
BVW ASSOCIATES, INC.; d/b/a Beauty
Visions Worldwide and Slimshop;

GARY RICHARD BUSH,

DAVID JAMES VARLEY, and

LAURENCE ANTHONY WHITE,

Defendants.

DECISION AND ORDER
03-CV 910A

U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

04 SEP 22 AM 11:41

FILED

On September 15, 2004, the Federal Trade Commission ("FTC") and defendants No. 1025798 Ontario Inc. d/b/a The Fulfillment Solutions Advantage, Inc., The FSA Group, International Access, Beauty Visions Worldwide, Slimshop, Hydro-Gel Slim Patch, Slenderstrip, and Robert Van Velzen (collectively the "FSA Defendants") entered into a Proposed Stipulated Final Order for Permanent Injunction and Settlement of Claims for Monetary Relief. ("Proposed Stipulation"). See Docket No.


100. The Court has reviewed the terms of the Proposed Stipulation and finds them acceptable. Accordingly, the Proposed Stipulation is hereby "so ordered" by the Court.

In light of the Proposed Stipulation, the Court finds that the following motions have been rendered moot and are hereby denied:

- (a) Motion to dismiss cross-claims and counterclaims by Dori Klein & Associates, Inc. (Docket Nos. 37 and 87);
- (b) Motion to dismiss cross-claims and counterclaim by defendants David Varley, Laurence Anthony White, Garry Richard Bush, and Kingstown Associates Limited (Docket No. 39);
- (c) Motion to dismiss cross-claims and counterclaim by Varley, White, Bush, Kingstown Associates Limited, and BVW Associates, Inc. (Docket No. 88);
- (d) Motion to strike cross-claims, counterclaims and affirmative defenses by FTC (Docket Nos. 43 and 78);
- (e) Motion to dismiss and for stay of discovery by Clipper Magazine, Inc., Cox Enterprises, Inc., Hearst Communications, Inc., Knight-Ridder, Inc., The News Corporation Limited, and The Plain Dealer Publishing Company (Docket No. 57);
- (f) Motion for a protective order by BVW Associates, Kingstown Associates, Bush, Varley, and White (Docket No. 60);
- (g) Motion for a protective order and stay of discovery by Dori Klein & Associates (Docket No. 64);
- (h) Supplemental motion for a protective order by Clipper Magazine, Inc., Cox Enterprises, Inc., Hearst Communications, Inc., Knight-Ridder, Inc., The News Corporation Limited, and The Plain Dealer Publishing Company (Docket No. 75); and
- (i) Motion for discovery by International Access, No. 1025798 Ontario, Inc., The FSA Group, and Robert Van Velzen (Docket No. 77).

Furthermore, the cross-claims and counterclaims raised by the FSA Defendants in their answer, see Docket Nos. 18 and 56, are hereby dismissed.¹

IT IS SO ORDERED.


HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: September 20, 2004

¹ If any party believes that any of the foregoing motions should not been dismissed as moot, such party shall, within 30 days of this Order, make a written application to the Court for appropriate relief.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

**No. 1025798 ONTARIO, INC. d/b/a
The Fulfillment Solutions Advantage, Inc.,
The FSA Group, International Access,
Beauty Visions Worldwide, Slimshop,
Hydro-Gel Slim Patch, and Slenderstrip,**

ROBERT VAN VELZEN,

**KINGSTOWN ASSOCIATES LTD. and
BVW ASSOCIATES, INC. d/b/a Beauty
Visions Worldwide and Slimshop;**

**GARY RICHARD BUSH;
DAVID JAMES VARLEY; and
LAURENCE ANTHONY WHITE,**

Defendants.

**Civil Action No.
03-CV-0910A(SC)**

**(PROPOSED) STIPULATED FINAL ORDER FOR PERMANENT INJUNCTION
AND SETTLEMENT OF CLAIMS FOR MONETARY RELIEF
AGAINST NO. 1025798 ONTARIO, INC. AND ROBERT VAN VELZEN**

Plaintiff, the Federal Trade Commission (“FTC” or “Commission”), filed a Complaint for Permanent Injunction and Other Equitable Relief (“Complaint”) against defendants No. 1025798 Ontario, Inc. d/b/a The Fulfillment Solutions Advantage, Inc., The FSA Group, International Access, Beauty Visions Worldwide, Slimshop, Hydro-Gel Slim Patch, and Slenderstrip, and

Robert Van Velzen (collectively, the “FSA Defendants”), pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b).

The Commission and the FSA Defendants, have agreed to the entry of the following Stipulated Final Order for Permanent Injunction and Settlement of Claims for Monetary Relief (“Order”) in settlement of the Commission’s Complaint against them. The Court, being advised in the premises, finds:

FINDINGS

1. By entry into this stipulation, the FSA Defendants do not admit to the allegations of the Complaint other than the jurisdictional facts.
2. This Court has jurisdiction over the subject matter of this case and jurisdiction over all parties. Venue in the Western District of New York is proper.
3. The Complaint states a claim upon which relief can be granted under Sections 5(a) and 12 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a) and 52, and the Commission has the authority to seek the relief it has requested.
4. The acts and practices of the FSA Defendants were, and are, in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.
5. The FSA Defendants waive all rights to seek judicial review or otherwise challenge or contest the validity of this Order. The FSA Defendants also waive any claim that they may have held under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action to the date of this Order.
6. Each party shall bear its own costs and attorneys’ fees.
7. Entry of this Order is in the public interest.

8. Pursuant to Federal Rule of Civil Procedure 65(d), the provisions of this Order are binding upon the FSA Defendants, and their officers, agents, servants, representatives, employees, and all other persons or entities in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise.
9. This Order resolves only claims against the FSA Defendants and does not preclude the Commission from initiating further action or seeking any remedy against any other persons or entities, including, without limitation, persons or entities who may be subject to portions of this Order by virtue of actions taken in concert or participation with the FSA Defendants, and persons or entities in any type of indemnification or contractual relationship with the FSA Defendants.

DEFINITIONS

For purposes of this Order, the following definitions shall apply:

1. Unless otherwise specified, “defendants” shall mean the FSA Defendants:
 - a. No. 1025798 Ontario, Inc. (“Ontario, Inc.”), a corporation, its divisions and subsidiaries, its successors and assigns, and its officers, agents, representatives, and employees; and
 - b. Robert Van Velzen (“Van Velzen”), individually and in his capacity as President and Chief Executive Officer of Ontario, Inc.
2. For the purposes of this Order, “defendants,” as the term is defined herein, shall not include: Kingstown Associates Ltd. and BVW Associates, Inc., both d/b/a Beauty Visions Worldwide and Slimshop, and Gary Richard Bush, David James Varley, and Laurence Anthony White.

3. “Commerce” shall mean “commerce” as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.
4. “Competent and reliable scientific evidence” shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.
5. “Weight-loss product” shall mean any product, program, or service designed, used, or purported to produce weight loss, reduction or elimination of fat, slimming, or caloric deficit; or to prevent weight gain, in a user of the product, program, or service.
6. “Endorsement” shall mean as defined in 16 C.F.R. § 255.0(b).
7. The term “including” in this Order shall mean “without limitation.”
8. The terms “and” and “or” in this Order shall be construed conjunctively or disjunctively as necessary, to make the applicable phrase or sentence inclusive rather than exclusive.

CONDUCT PROHIBITIONS

I. FALSE CLAIMS FOR HYDRO-GEL SLIM PATCH, SLENDERSTRIP, AND OTHER WEIGHT-LOSS PRODUCTS

IT IS HEREBY ORDERED that defendants, directly or through any corporation, partnership, subsidiary, division, trade name, or other device, and their officers, agents, servants, representatives, employees, and all persons or entities in active concert or participation with them who receive actual notice of this Order, by personal service or otherwise, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution, of Hydro-Gel Slim Patch, Slenderstrip, or any other weight-loss product, in or affecting commerce, are hereby permanently restrained and enjoined from making or assisting others in making any representation, in any manner, expressly or by implication, including through the use of a trade name or endorsements, that such product:

- A. Causes rapid or substantial weight loss without the need to reduce caloric intake or increase exercise;
- B. Works for all overweight users; or
- C. Causes permanent weight loss.

II. UNSUBSTANTIATED CLAIMS FOR WEIGHT-LOSS PRODUCTS

IT IS FURTHER ORDERED that defendants, directly or through any corporation, partnership, subsidiary, division, trade name, or other device, and their officers, agents, servants, representatives, employees, and all persons or entities in active concert or participation with them who receive actual notice of this Order, by personal service or otherwise, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any

weight-loss product, in or affecting commerce, are hereby permanently restrained and enjoined from making or assisting others in making any representation, in any manner, expressly or by implication, including through the use of a trade name or endorsements:

- A. That such product causes weight loss;
- B. That such product enables users to lose weight or fat, or any specific amount of weight or fat;
- C. That such product enables users to lose weight without reducing caloric intake or increasing exercise;
- D. That such product causes permanent or persistent weight loss; or
- E. About the comparative or absolute weight-loss or health benefits, or the performance or efficacy, of such product,

unless the representation is true and, at the time of making such representation, defendants possess and rely upon competent and reliable scientific evidence that substantiates the representation.

III. CONSUMER LISTS

IT IS FURTHER ORDERED that, within twenty (20) calendar days after entry of this Order, defendants shall provide the Commission with the full names and addresses, and any other contact information in defendants' actual or constructive possession as of the date of entry of the Order, of all purchasers of Hydro-Gel Slim Patch and Slenderstrip who have not already been reimbursed by defendants, the quantities purchased, and the amounts paid, including shipping and handling charges, for each purchase.

IV. NON-DISCLOSURE OF MAILING LISTS

IT IS FURTHER ORDERED that defendants, and their officers, agents, servants,

employees, and attorneys, and all other persons or entities in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are permanently restrained and enjoined from selling, renting, leasing, transferring, or otherwise disclosing the name, address, telephone number, credit card number, bank account number, email address, or other identifying information of any person who paid any money to any defendant for Hydro-Gel Slim Patch or Slenderstrip, or shipping and handling therefor, at any time prior to entry of this order. *Provided, however,* that defendants may disclose such identifying information to a law enforcement agency or as required by any law, regulation, or court order.

V. UNFULFILLED PRODUCT ORDERS AND PRODUCT RETURNS

IT IS FURTHER ORDERED that within twenty (20) days after the date of entry of this Order, the FTC shall take possession of all mail from consumers regarding weight-loss products being held for defendants at any UPS/Mail Boxes, Etc. location in the United States as of the date of entry of this Order, including unfulfilled product orders and product returns for Hydro-Gel Slim Patch or Slenderstrip. After entry of this Order, the FTC may, at its discretion, destroy or discard all such product orders and product returns, and notify affected consumers of the FTC's actions or provide reimbursements to such consumers, as may be necessary.

VI. ASSET FREEZE

IT IS FURTHER ORDERED that, upon entry of this Order, and the receipt by the FTC of all mail from consumers as set forth in Part V, the freeze of defendants' assets set forth in the Temporary Restraining Order, as amended, shall be dissolved.

VII. MONETARY JUDGMENT AND CONSUMER REDRESS

IT IS FURTHER ORDERED that judgment in the amount of Seventy Two Thousand

Four Hundred and Twenty Two United States Dollars and Eighteen Cents (\$72,422.18 USD) is hereby entered against defendants, jointly and severally, which shall be paid as follows:

- A. Defendants have placed Seventy Two Thousand Four Hundred and Twenty Two United States Dollars and Eighteen Cents (\$72,422.18 USD) into a trust account at the law firm of defendants' counsel, Ford Marrin Esposito Witmeyer & Gleser, L.L.P., which shall be held by defendants' counsel in such trust account and transferred within three (3) business days after entry of this Order into an account to be designated by the FTC.
- B. All funds paid pursuant to this Order shall be used for equitable relief, including but not limited to consumer redress and any attendant expenses for the administration of such equitable relief. In the event that direct redress to consumers is wholly or partially impracticable or funds remain after redress is completed, the Commission may apply any remaining funds for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to the defendants' practices alleged in the Complaint. Any funds not used for such equitable relief shall be deposited to the United States Treasury as disgorgement. Defendants shall have no right to challenge the Commission's choice of remedies under this Paragraph. Defendants shall have no right to contest the manner of distribution chosen by the Commission.
- C. In accordance with 31 U.S.C. § 7701, defendants are hereby required, unless they have done so already, to furnish to the FTC their taxpayer identifying numbers and/or social security numbers if applicable, which shall be used for purposes of

collecting and reporting on any delinquent amount arising out of defendants' relationship with the government.

- D. Proceedings instituted under this Paragraph are in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law, including any other proceedings the Commission may initiate to enforce this Order.

VIII. RIGHT TO REOPEN

IT IS FURTHER ORDERED that:

- A. The Commission's agreement to this Order, requiring that defendants be liable for less than the full amount of alleged consumer injury, is expressly premised upon the truthfulness, accuracy, and completeness of the documents referenced in the attached Declaration of defendant Van Velzen. Such documents contain material information upon which the Commission relied in negotiating and agreeing to this Order.
- B. If, upon motion by the Commission, this Court finds that defendants have failed to disclose any material asset or have materially misstated any profits or income in the above-referenced financial statements, the Court shall enter a judgment against defendants, jointly and severally, in favor of the Commission, in the amount of One Million Four Hundred and Twenty Two Four Hundred and Eighty One United States Dollars and Seventy Four Cents (\$1,422,481.74 USD) minus any payments previously made under Paragraph VII, which amount would be rendered immediately due and payable. For the purposes of this Paragraph, the defendants waive any right to contest any of the allegations in the Complaint filed in this

action.

- C. Proceedings initiated under this Part are in addition to, and not in lieu of, any other civil or criminal remedies as may be provided by law, including but not limited to proceedings for submission of false statements to the government and any other proceedings the Commission may initiate to enforce this Order.

IX. ASSISTANCE WITH ONGOING LITIGATION

IT IS FURTHER ORDERED that defendants shall, in connection with this action or in any subsequent investigations related to or associated with the transactions or occurrences that are the subject of the Commission's Complaint, cooperate in good faith with the Commission's requests for documents and testimony. The defendants or their representatives will appear at such places and times as the Commission shall reasonably request for interviews, conferences, pretrial discovery, review of documents, and for such other matters, after written notice to defendants and their counsel of record. The defendants or their representatives will make themselves available for trial upon reasonable prior notice. The defendants also will produce such documents and information pertaining to this case in a manner as may be requested by the Commission, after written notice to defendants and their counsel of record. Further, the defendants agree to cooperate in good faith in securing the testimony of any employer, consultant, independent contractor, representative, or agent at any deposition, hearing, or trial of the action.

X. ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that each defendant, within five (5) business days of receipt of this Order as entered by the Court, must submit to the Commission a truthful sworn statement acknowledging receipt of this Order.

XI. DISTRIBUTION OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that, for a period of five (5) years from the date of entry of this Order, defendants shall deliver copies of the Order as directed below:

- A. **Corporate Defendant:** Defendant Ontario, Inc. must deliver a copy of this Order to all principals, officers, directors, and managers. Defendant Ontario, Inc. also must deliver copies of this Order to all of its employees, agents, representatives, consultants, independent contractors, or other persons who engage in conduct related to the subject matter of this Order. For current personnel, delivery shall be within five (5) days of service of this Order upon defendant Ontario, Inc. For new personnel, delivery shall occur prior to them assuming their responsibilities.
- B. **Individual Defendant as Control Person:** For any business that defendant Van Velzen controls, directly or indirectly, or in which he has a majority ownership interest, he must deliver a copy of this Order to all principals, officers, directors, and managers of that business. Defendant Van Velzen must also deliver copies of this Order to all employees, agents, and representatives of that business who engage in conduct related to the subject matter of this Order. For current personnel, delivery shall be within five (5) days of service of this Order upon defendant Van Velzen. For new personnel, delivery shall occur prior to them assuming their responsibilities.
- C. **Individual Defendant as Employee or Non-Control Person:** For any business where defendant Van Velzen is not a controlling person of the business but otherwise engages in conduct related to the subject matter of this Order, he must

deliver a copy of this Order to all principals and managers of such business before engaging in such conduct.

- D. Defendants must secure a signed and dated statement acknowledging receipt of the Order, within thirty (30) days of delivery, from all persons receiving a copy of the Order pursuant to this paragraph.

XII. COMPLIANCE REPORTING BY DEFENDANTS

IT IS FURTHER ORDERED that, in order that compliance with the provisions of this Order may be monitored:

- A. For a period of five (5) years from the date of entry of this Order,
1. Individual defendant Van Velzen shall notify the Commission of the following:
 - a. Any changes in his residence, mailing addresses, and telephone numbers within ten (10) days of the date of such change;
 - b. Any changes in his employment status (including self-employment) and any change in his ownership of any business entity, within ten (10) days of such change. Such notice shall include the name and address of each business that he is affiliated with, employed by, creates or forms, or performs services for; a statement of the nature of the business; and a statement of his duties and responsibilities in connection with the business or employment; and
 - c. Any changes in his name or use of any aliases or fictitious names; and

2. Defendants shall notify the Commission of any changes in the corporate structure of defendant Ontario, Inc. or any business entity that defendant Van Velzen directly or indirectly control(s), or has an ownership interest in, that may affect compliance obligations arising under this Order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor entity; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order; the filing of a bankruptcy petition; or a change in the corporate name or address, at least thirty (30) days prior to such change, *provided that*, with respect to any proposed change in the corporation about which the defendant(s) learns less than thirty (30) days prior to the date such action is to take place, the defendant(s) shall notify the Commission as soon as is practicable after obtaining such knowledge.

B. Sixty (60) days after the date of entry of this Order, defendants Ontario, Inc. and Van Velzen each shall provide a written report to the Commission, sworn to under penalty of perjury, setting forth in detail the manner and form in which they have complied and are complying with this Order. This report shall include, but not be limited to:

1. For defendant Van Velzen:
 - a. His then-current residence addresses, mailing addresses, and telephone numbers;
 - b. His then-current employment and business addresses and telephone

numbers; a description of the business activities of each such employer or business, and his title and responsibilities, for each such employer or business; and

c. Any other changes required to be reported under Subparagraph A of this Section.

2. For all defendants:

a. A copy of each acknowledgment of receipt of this Order obtained pursuant to Paragraph XI;

b. A statement describing the manner in which the defendant has complied and is complying with Paragraphs I and II; and

c. Any other changes required to be reported under Subparagraph A of this Section.

C. For the purposes of this Order, defendants shall, unless otherwise directed by the Commission's authorized representatives, mail all written notifications to the Commission to:

Associate Director for the Division of Advertising Practices
Federal Trade Commission
601 New Jersey Ave., N.W.
Washington, D.C. 20001
Re: *FTC v. No. 1025798 Ontario, Inc., et al.*,
Civil Action No. 03-CV-0910A(SC) (W.D.N.Y.).

D. For purposes of the compliance reporting and monitoring required by this Order, the Commission is authorized to communicate directly with Defendants.

XIII. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring and investigating compliance with any provision of this Order,

- A. Within ten (10) days of receipt of written notice from a representative of the Commission, defendants Ontario, Inc. and Van Velzen each shall submit additional written reports, sworn to under penalty of perjury; produce documents for inspection and copying; appear for deposition; and/or provide entry during normal business hours to any business location in such defendant's possession or direct or indirect control to inspect the business operation;
- B. In addition, the Commission is authorized to monitor compliance with this Order by all other lawful means, including but not limited to the following:
 - 1. obtaining discovery from any person, without further leave of court, using the procedures prescribed by Fed. R. Civ. P. 30, 31, 33, 34, 36, and 45; and
 - 2. posing as consumers and suppliers to: defendants Ontario, Inc., and Van Velzen, their employees, or any other entity managed or controlled in whole or in part by either defendant, without the necessity of identification or prior notice; and
- C. Defendants Ontario, Inc., and Van Velzen shall permit representatives of the Commission to interview any employer, consultant, independent contractor, representative, agent, or employee who has agreed to such an interview, relating in any way to any conduct subject to this Order. The person interviewed may have counsel present.

Provided, however, that nothing in this Order shall limit the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1, to obtain any documentary material, tangible things, testimony, or information relevant to unfair or deceptive acts or practices in or affecting commerce (within the meaning of 15 U.S.C. § 45(a)(1)).

XIV. RECORD KEEPING PROVISIONS

IT IS FURTHER ORDERED that, for a period of eight (8) years from the date of entry of this Order, in connection with any business involved in the advertising, marketing, promotion, offer for sale, distribution, or sale of any covered product or service, operated by any defendant, or where any defendant is a majority owner of the business or directly or indirectly manages or controls such a business, defendants and their agents, employees, officers, corporations, successors, and assigns, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are hereby restrained and enjoined from failing to create and retain the following records:

- A. Accounting records that reflect the cost of goods or services sold, revenues generated, and the disbursement of such revenues;
- B. Personnel records accurately reflecting: the name, address, and telephone number of each person employed in any capacity by such business, including as an independent contractor; that person's job title or position; the date upon which the person commenced work; and the date and reason for the person's termination, if applicable;
- C. Customer files containing the names, addresses, phone numbers, dollar amounts paid, quantity of items or services purchased, and description of items or services

purchased, to the extent such information is obtained in the ordinary course of business;

- D. Complaints and refund requests (whether received directly, indirectly or through any third party), including but not limited to reports of adverse incidents claimed to be associated with the use of a product or service, and any responses to those complaints or requests;
- E. Copies of all advertisements, promotional materials, sales scripts, training materials, Web sites, or other marketing materials utilized in the advertising, marketing, promotion, offering for sale, distribution of sale of any covered product or service;
- F. All materials that were relied upon in making any representations contained in the materials identified in Subparagraph E of this Paragraph, including all documents evidencing or referring to the accuracy of any claim therein or to the efficacy of any covered product or service, including, but not limited to, all tests, reports, studies, demonstrations, or other evidence that confirm, contradict, qualify, or call into question the accuracy or efficacy of each such product or service;
- G. Records accurately reflecting the name, address, and telephone number of each manufacturer or laboratory engaged in the development or creation of any testing obtained for the purpose of manufacturing, labeling, advertising, marketing, promoting, offering for sale, selling, or distributing any covered product or service;
- H. Copies of all contracts concerning the manufacturing, labeling, advertising, marketing, promotion, offering for sale, sale, or distribution of any covered product

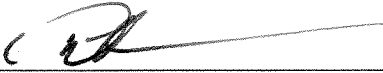
or service; and

- I. All records and documents necessary to demonstrate full compliance with each provision of this Order, including but not limited to, copies of acknowledgments of receipt of this Order and all reports submitted to the FTC pursuant to this Order.

XV. RETENTION OF JURISDICTION

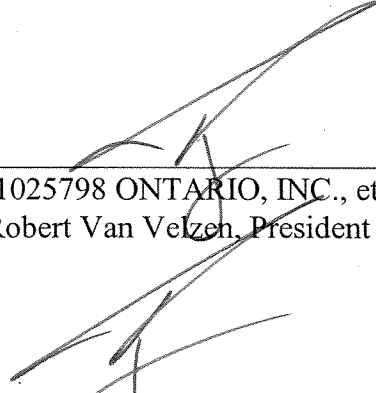
IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

SO STIPULATED:



DEAN C. FORBES
DAVID K. KOEHLER
KAREN M. MUOIO
FEDERAL TRADE COMMISSION
Bureau of Consumer Protection
Division of Advertising Practices
601 New Jersey Avenue, N.W.
Washington, D.C. 20001
(202) 326-2831, -3627, -2491
(202) 326-3259 (FAX)
Attorneys for Plaintiff

No. 1025798 ONTARIO, INC., et al.
By: Robert Van Velzen, President



ROBERT VAN VELZEN, individually and as
an officer or director of the above company



JOHN J. WITMEYER III
DAVID A. BEKE
Ford Marrin Esposito Witmeyer & Glessner, L.L.P.
Wall Street Plaza
New York, NY 10005-1875
(212) 269-4900
(21) 344-4294 (FAX)
Attorneys for Defendants Ontario, Inc.
and Robert Van Velzen

SO ORDERED:

DATED: _____

RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE